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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,933	04/26/2000	John F. Acres	IGT1P311/AC014	1655
22434	7590	04/30/2007		
BEYER WEAVER LLP			EXAMINER	
P.O. BOX 70250			DEODHAR, OMKAR A	
OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			04/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/558,933

Applicant(s)

ACRES, JOHN F.

Examiner

Omkar A. Deodhar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### **Non-Final Rejection**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 22-34 are rejected as being unpatentable over Walker et al. (US 6,110,041) in view of Heidel (EP 0769769).

Regarding claims 22, 27 and 31, Walker discloses the following:

A gaming machine that displays player tracking information and a game image on the same display, (Figure 9, Item 930), the gaming machine in communication with a

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server over a network (Figure 1) wherein various player information is stored on the server.

A player tracking input device, (Figure 3, Item 364), display and game electronics (Figure 3, Item 362) that show images and related game information to a player.

Player preferences/tracking information and a game presented on one or more regions of the display screen, (*Id.*). When a player is not identified or does not have established preferences, the gaming machine uses default values and game parameters, (Figure 10A & 11A).

Walker, however, is arguably silent regarding the use of hardware/video overlay in order to form the combined image of a player tracking information and a game.

Heidel discloses a video gaming machine having a touch screen. The game machine includes a card reader (30), a machine communications interface (70), display (12), programmed electronics (inherent), and a video overlay device (56). The game machine is connected to a host computer (68), which includes a database of player account information such as a player name, player id, and player point totals. Figure 3 shows the division of the display screen when accessing the player tracking information from the game machine. In column 6 of the disclosure, Heidel states "In addition, because video display 12 is under the control of a microprocessor, the system has enhanced flexibility. For example, at a touch of a suitable area (not shown) on the screen 23, service request key area 80 can be displayed from which the player can order casino services or request change without interrupting game play." Clearly, this suggests a video overlay or superimposition of data upon the play screen.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Heidelberg's video overlay technology into the device of Walker for the purpose of freeing up system resources and thereby increasing the speed of the video display. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

Additionally, examiner presents Walker's disclosure of touch screen technology as well, (Col. 6. Lines 44-46).

Regarding claim 31, the Walker/Heidel combination discloses the claimed limitations, but is lacking in the specific order expressed in the claim. However, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have displayed player tracking information and a game image on the same display, in the order expressed in the claim. One would be motivated to follow this order because it would reduce processing time.

With respect to claims 23-26, 28-30 and 32-34, Walker discloses the following: Various player tracking information including an animated graphic and an input device such as a card reader. Additionally, the game image can show reels. (Figure 11A: Item 1115, Figure 3: Item 364, Col. 6: Lines 32-39).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F 8AM – 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD

Ronald Jensen  
PRIMARY EXAMINER  
4/26/07